

**DISCIPLINARY ACTIONS FOR CLASSIFIED MANAGERS,
SUPERVISORS AND CONFIDENTIAL EMPLOYEES****GENERAL PROVISIONS**

A permanent classified manager, supervisor or confidential employee may be suspended, demoted, or dismissed for cause by the Governing Board.

CAUSES

Among the causes which shall be deemed sufficient for suspension, demotion, or dismissal are the following:

1. Repeated unauthorized leave, abuse of leave, or excessive absenteeism
2. Failure to perform assignments
3. Conviction of any criminal act involving moral turpitude
4. Conduct tending to bring the public service into disrepute
5. Discourteous treatment of the public
6. Disorderly or immoral conduct
7. Insubordination - violation of any lawful or reasonable regulation or order made and given by a supervisor
8. Intoxication while on duty
9. Use and/or possession of a controlled substance without a lawful prescription
10. Neglect of duty
11. Damage to, waste of, theft, or conversion of District property or supplies due to negligence or willful acts
12. Incompetence or inefficiency
13. Dishonesty, including material and intentional misrepresentation or concealment of a fact in connection with obtaining employment
14. Any willful violation of federal or state statutes and regulations or the policies adopted by the Governing Board
15. Mental or physical incapacity to perform the essential functions of the assigned position (procedural only)

The above causes are indicative and not restrictive. Suspension, demotion, or dismissal or other discipline may be based on reasons other than those specifically mentioned above.

PROCEDURES

No classified manager, supervisor or confidential employee shall be suspended, demoted, or dismissed unless there is served upon said employee a written notice of the Chancellor's (or designee's) recommendation to the Governing Board which shall include the following:

1. A statement in ordinary and concise language of the specific acts and omissions upon which the proposed disciplinary action is based, including evidence and witnesses to support the charges.
2. The disciplinary action recommended.
3. A factual summary of the grounds upon which the charges are based.
4. A copy of all written materials, reports or documents upon which the discipline is based.
5. A statement of the employee's right to a Preliminary Hearing before a "Skelly" hearing officer and/or an Evidentiary Hearing before the Governing Board or a hearing officer on the charges.

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6. The date before which the employee may respond to the Chief Human Resources Officer (may not be less than five (5) working days).
7. A form which constitutes a denial of some or all charges and a demand for hearing.

The classified employee may demand a hearing on the charges contained in the notice by mailing or delivering the form supplied for that purpose on or before the sixth day after receipt of the notice of charges.

In the absence of a demand for hearing, the Governing Board shall act upon the recommendation after the time period for a hearing demand has expired.

TEMPORARY REMOVAL

The Chancellor, Vice Chancellors or the President may temporarily remove an employee with pay from duty pending action by the Preliminary Hearing Officer. Prior to such removal the employee shall be given notice of the proposed action, the reasons therefore, a copy of the charges and materials on which the action is based and a right to respond to them orally and in writing.

PRELIMINARY HEARING

All employees who receive a Notice of Charges and submit a demand for a Preliminary Hearing shall be allowed to have a pre-evidentiary ("Skelly") hearing before the Chief Human Resources Officer. The Chief Human Resources Officer shall have the right to reject, amend, or continue the proposed disciplinary action. If the decision after the Preliminary Hearing is to amend or continue the proposed disciplinary action, the citation shall be implemented pending an Evidentiary Hearing before the Governing Board or a hearing officer. If the final decision of the evidentiary hearing rescinds or modifies the action to a lesser penalty, the employee shall be eligible for retroactive restitution.

EVIDENTIARY HEARING

Evidentiary Hearings shall be held by the Governing Board or in the alternative by a three-member sub-committee of the Governing Board or a mutually selected hearing officer. For hearings conducted by a Board sub-committee or a hearing officer, the hearing findings shall be advisory to the full Governing Board. Only the Governing Board shall have the authority to make a final decision.

DECISION OF THE GOVERNING BOARD AFTER HEARING

The Governing Board shall make findings of fact. The decision of the Governing Board shall be based on its findings of fact. The Governing Board's decision shall be effective when announced in public session. The findings and decision of the Governing Board shall be expressed in writing and a copy provided to the employee and will be final and conclusive. If the appeal of the employee is sustained, the Governing Board shall order all records pertaining to the charges not be placed in the employee's personnel file.

LIMITATIONS

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could reasonably be assumed that the employee should have disclosed the facts to the District.

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